

Filed for intro on 02/01/95  
House Bill \_\_\_\_\_  
By \_\_\_\_\_

Senate Bill No.SB0291  
By Fowler

AN ACT to amend Tennessee Code Annotated, Section 6-51-102,  
relative to municipalities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 6-51-102(a), is  
amended by adding the following language as a new, appropriately designated  
subdivision:

( )

(A) In counties having a population in excess of 250,000  
according to the 1990 federal census of population, or any  
subsequent federal census, an ordinance of annexation enacted by  
a municipality upon its own initiative shall not become operative  
prior to the expiration of the one hundred twenty (120) day period  
following final passage of such ordinance. If such ordinance of  
annexation would bring more than one-fourth (1/4) square mile of  
territory or more than five hundred (500) additional residents within  
the boundaries of such municipality, then during such one hundred

twenty (120) day period the qualified voters and the property owners within the territory proposed to be annexed may by petition require ratification of the ordinance by means of referendum of the qualified voters of such territory. Such petition shall be signed by at least ten percent (10%) of the total number of persons who are either qualified voters or property owners within the territory proposed to be annexed and shall be filed with the county election commission.

(B) Such petition shall read substantially as follows:

"We do hereby respectfully request the holding of a referendum to vote on an ordinance of annexation of the City of \_\_\_\_\_ (Here insert name of municipality) as provided by law."

(C) In signing such petition, each person shall insert after his or her name, residential address and the address of real property, if any, that such person owns within such territory. The petition may be in two (2) or more counterparts.

(D) Within ninety (90) days of the filing of such petition, an election shall be held by the county election commission in the territory proposed to be annexed. The question submitted to the qualified voters of the territory proposed to be annexed shall be "for annexation", "against annexation". The county election commission shall promptly certify the results of the election. All expenses for the election shall be paid by the municipality.

(E) If the majority of votes in the election are cast "against annexation," the ordinance of annexation shall be void and the territory proposed to be annexed shall not be considered, in whole or

in part, for annexation by ordinance upon the initiative of the municipality for a period of one (1) year from the date of such election.

(F) If the majority of votes in the election are cast "for annexation," the ordinance shall become operative thirty (30) days after the date of the election; provided, however, such ordinance shall not become operative before the expiration of the one hundred twenty (120) day period following final passage of the annexation ordinance. Any owner of property lying within the territory proposed to be annexed by an ordinance which is approved by referendum shall have those rights and privileges provided in § 6-51-103, if a suit is filed within thirty (30) days following the election ratifying the ordinance.

(G) Notwithstanding ratification of the annexation by referendum under the provision of this subdivision, the municipality shall be required to have a plan of services as required by subsection (b).

SECTION 2. This act shall take effect on becoming a law, the public welfare requiring it.

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